

Selected Excerpts of Existing Zoning Ordinance Provisions

Article 18, Administration, Amendments, Violations and Penalties, Part 4, Variances, Sect. 18-404:

18-404 Required Standards for Variances

To grant a variance the BZA shall make specific findings based on the evidence before it that the application satisfies all of the following enumerated requirements:

1. That the subject property was acquired in good faith.
2. That the subject property has at least one of the following characteristics:
 - A. Exceptional narrowness at the time of the effective date of the Ordinance;
 - B. Exceptional shallowness at the time of the effective date of the Ordinance;
 - C. Exceptional size at the time of the effective date of the Ordinance;
 - D. Exceptional shape at the time of the effective date of the Ordinance;
 - E. Exceptional topographic conditions;
 - F. An extraordinary situation or condition of the subject property; or
 - G. An extraordinary situation or condition of the use or development of property immediately adjacent to the subject property.
3. That the condition or situation of the subject property or the intended use of the subject property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted by the Board of Supervisors as an amendment to the Zoning Ordinance.
4. That the strict application of this Ordinance would produce undue hardship.
5. That such undue hardship is not shared generally by other properties in the same zoning district and the same vicinity.
6. That:
 - A. The strict application of the Zoning Ordinance would effectively prohibit or unreasonably restrict all reasonable use of the subject property, or

- B. The granting of a variance will alleviate a clearly demonstrable hardship approaching confiscation as distinguished from a special privilege or convenience sought by the applicant.
- 7. That authorization of the variance will not be of substantial detriment to adjacent property.
- 8. That the character of the zoning district will not be changed by the granting of the variance.
- 9. That the variance will be in harmony with the intended spirit and purposes of this Ordinance and will not be contrary to the public interest.

Article 8, Special Permits, Part 0, General Provisions, Sect. 8-006:

8-006 General Standards

In addition to the specific standards set forth hereinafter with regard to particular special permit uses, all special permit uses shall satisfy the following general standards:

- 1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
- 2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
- 3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
- 4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
- 5. In addition to the standards which may be set forth in this Article for a particular group or use, the BZA shall require landscaping and screening in accordance with the provisions of Article 13.
- 6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.

7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
8. Signs shall be regulated by the provisions of Article 12; however, the BZA, under the authority presented in Sect. 007 below, may impose more strict requirements for a given use than those set forth in this Ordinance.

Article 9, Special Exceptions, Part 0, General Provisions, Sect. 9-006:

9-006 General Standards

In addition to the specific standards set forth hereinafter with regard to particular special exception uses, all such uses shall satisfy the following general standards:

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
5. In addition to the standards which may be set forth in this Article for a particular category or use, the Board shall require landscaping and screening in accordance with the provisions of Article 13.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.

8. Signs shall be regulated by the provisions of Article 12; however, the Board may impose more strict requirements for a given use than those set forth in this Ordinance.

Article 2, General Regulations, Part 4, Qualifying Lot and Yard Regulations, Sections 2-412 and 2-416:

2-412 Permitted Extensions Into Minimum Required Yards

The features set forth in the following paragraphs may extend into minimum required yards as specified.

For lots in the PDH, PDC, PRC and PRM Districts, the minimum required yard shall be deemed to be one-half of the distance of the yard that has been established by the location of the principal structure on a lot. In other districts where minimum yard requirements are determined by a specified distance between buildings, the lot lines shall be established by a line located between the buildings drawn at the mid-point and perpendicular to the shortest line between them.

1. The following shall apply to any structure:
 - A. Cornices, canopies, awnings, eaves or other such similar features, all of which are at least ten (10) feet above finished ground level, may extend three (3) feet into any minimum required yard but not closer than two (2) feet to any lot line. This provision shall not apply to permanent canopies over gasoline pump islands which have supports located on the pump islands, provided that such canopies may extend into minimum required yards but shall not extend into any required transitional screening areas nor overhang travel lanes, service drives or sidewalks.
 - B. Sills, leaders, belt courses and other similar ornamental features may extend twelve (12) inches into any minimum required yard.
 - C. Open fire balconies, fire escapes, fire towers, uncovered stairs and stoops, air conditioners and heat pumps, none of which are more than ten (10) feet in width, may extend five (5) feet into any minimum required yard, but not closer than five (5) feet to any lot line.
 - D. Bay windows, oriels, and chimneys, none of which are more than ten (10) feet in width, may extend three (3) feet into any minimum required yard, but not closer than five (5) feet to any lot line.
 - E. Carports may extend five (5) feet into any minimum required side yard, but not closer than five (5) feet to any side lot line.
 - F. An accessibility improvement may extend into any minimum required yard.

2. The following shall apply to any deck attached to a single family detached dwelling:
 - A. Any open deck with no part of its floor higher than four (4) feet above finished ground level may extend into minimum required yards as follows:
 - (1) Front yard: 6 feet, but not closer than 14 feet to a front lot line and not closer than 5 feet to any side lot line
 - (2) Side yard: 5 feet, but not closer than 5 feet to any side lot line
 - (3) Rear yard: 20 feet, but not closer than 5 feet to any side or rear lot line
 - B. Any open deck with any part of its floor higher than four (4) feet above finished ground level may extend into minimum required yards as follows:
 - (1) Front yard: No extension
 - (2) Side yard: No extension
 - (3) Rear yard: 12 feet, but not closer than 5 feet to any rear lot line and not closer than a distance equal to the minimum required side yard to the side lot line
 - C. Any roofed deck with no part of its floor higher than four (4) feet above finished ground level may extend into minimum required yards as follows:
 - (1) Front yard: No extension
 - (2) Side yard: No extension
 - (3) Rear yard: 12 feet, but not closer than 5 feet to any rear lot line and not closer than a distance equal to the minimum required side yard to the side lot line
3. The following shall apply to any deck attached to a single family attached dwelling:
 - A. Any open deck with no part of its floor higher than three (3) feet above finished ground level may extend into minimum required yards as follows:

- (1) Front yard: No extension
 - (2) Side yard: 5 feet, but not closer than 5 feet to any side lot line
 - (3) Rear yard: To the rear lot line and from side lot line to side lot line, except on lots with a minimum required side yard, not closer than 5 feet to that side lot line
- B. Any open deck with any part of its floor higher than three (3) feet above finished ground level may extend into minimum required yards as follows:
 - (1) Front yard: No extension
 - (2) Side yard: No extension
 - (3) Rear yard: 12 feet, but not closer than 5 feet to the rear lot line. Notwithstanding the above, on lots with rear yards of 17 feet or less, a deck with a depth of 12 feet may be permitted, but not closer than 2 feet to the rear lot line, if such lot line abuts open space or an utility easement, not less than 10 feet in width. In addition, on lots with a minimum required side yard, not closer to that side lot line than a distance equal to such minimum required yard.
- C. Any roofed deck with no part of its floor higher than three (3) feet above finished ground level may extend into minimum required yards as follows:
 - (1) Front yard: No extension
 - (2) Side yard: No extension
 - (3) Rear yard: 12 feet, but not closer than 5 feet to the rear lot line, and on lots with a minimum required side yard, not closer to that side lot line than a distance equal to such minimum required yard
4. The following shall apply to any deck attached to a multiple family dwelling, commercial, industrial or institutional structure:
 - A. Any open or roofed deck, not more than ten (10) feet in width and with no part of its floor higher than three (3) feet above finished ground level, may extend six (6) feet into any minimum required yard.

- B. Any open or roofed deck, not more than ten (10) feet in width with any part of its floor higher than three (3) feet above finished ground level, may extend three (3) feet into any minimum required yard.
- 5. The BZA may approve a special permit to modify the provisions of this Section, but only in accordance with the provisions of Sect. 8-916.

2-416 Yard Regulations for Pipestem Lots and Lots Contiguous to Pipestem Driveways

- 1. On a pipestem lot, notwithstanding the minimum yard requirements of the district in which located, the front yard shall be a minimum of twenty-five (25) feet. The required twenty-five (25) feet shall be measured from the lot line formed by the pipestem or the edge of the pipestem driveway pavement, whichever is the greater distance. In an affordable dwelling unit development, either twenty-five (25) feet or the minimum front yard requirement of the zoning district in which located shall apply, whichever is the lesser distance.
- 2. On a lot contiguous to a pipestem driveway serving more than one pipestem lot, in addition to the minimum front yard requirements of the district in which located, the yard contiguous to the pipestem driveway shall also be deemed a minimum required front yard and shall be a minimum of twenty-five (25) feet. The required twenty-five (25) feet shall be measured from the lot line formed by the pipestem or the edge of the pipestem driveway pavement, whichever is the greater distance; provided, however, that such lot shall not be deemed a corner lot. In an affordable dwelling unit development, either twenty-five (25) feet or the minimum front yard requirement of the zoning district in which located shall apply, whichever is the lesser distance.

Article 10, Accessory Uses, Accessory Service Uses and Home Occupations, Part 1, Accessory Uses and Structures, Paragraphs 10 and 12 of Sect. 10-104:

10-104 Location Regulations

- 10. The following regulations shall apply to the location of freestanding accessory storage structures:
 - A. For purposes of determining height, the height of an accessory storage structure shall be measured from the highest point of the structure.
 - B. An accessory storage structure shall not be located (a) in any minimum required front yard on any lot or (b) in any front yard on any lot containing 36,000 square feet or less.

- C. An accessory storage structure which does not exceed eight and one-half (8 ½) feet in height may be located in any part of any side yard or rear yard, except as qualified in Sect. 2-505.
 - D. An accessory storage structure which exceeds eight and one-half (8 ½) feet in height shall not be located in any part of any minimum required side yard.
 - E. An accessory storage structure which exceeds eight and one-half (8 ½) feet in height shall not be located closer than a distance equal to its height to the rear lot line or located closer than a distance equal to the minimum required side yard to the side lot line.
 - F. On a corner lot, the rear lot line of which adjoins a side lot line of a lot to the rear, an accessory storage structure which exceeds eight and one-half (8 ½) feet in height shall not be located:
 - (1) Nearer to any part of the rear lot line that adjoins the side yard on the lot to the rear than a distance equal to the minimum required side yard on such lot to the rear, or
 - (2) Nearer to the side street line than a distance equal to the minimum required front yard on the lot to the rear.
12. The following regulations shall apply to the location of all freestanding structures or uses except those specifically set forth in other paragraphs of this Section:
- A. For purposes of determining height, the height of an accessory structure shall be measured from the highest point of the structure.
 - B. An accessory structure or use, which does not exceed seven (7) feet in height, may be located in any part of any side or rear yard, except as qualified in Sect. 2-505.
 - C. No accessory structure or use, except a statue, basketball standard or flagpole, shall be located (a) in any minimum required front yard on any lot or (b) in any front yard on any lot containing 36,000 square feet or less. When located in a front yard, basketball standards shall not be located closer than fifteen (15) feet to a front lot line or twelve (12) feet to a side lot line, and shall not be used between the hours of 8:00 PM and 8:00 AM.
 - D. No accessory structure or use which exceeds seven (7) feet in height shall be located in any minimum required side yard.

- E. No accessory structure or use which exceeds seven (7) feet in height shall be located closer than a distance equal to its height to the rear lot line or located closer than a distance equal to the minimum required side yard to the side lot line.
- F. On a corner lot, the rear lot line of which adjoins a side lot line of a lot to the rear, no accessory structure or use which exceeds seven (7) feet in height shall be located:
 - (1) Nearer to any part of the rear lot line that adjoins the side yard on the lot to the rear than a distance equal to the minimum required side yard on such lot to the rear, or
 - (2) Nearer to the side street line than a distance equal to the minimum required front yard on the lot to the rear.
- 13. Except as may be qualified by Sect. 2-505, conventional television antennas and satellite dish antennas designed to receive television or video programming with a diameter or diagonal measurement of 39 inches (one meter) or less shall be permitted in any yard on any lot.
- 14. Except for lighting fixtures mounted on poles that are associated with outdoor recreation/sports facilities playing fields/courts and as noted below, the mounting height of lighting fixtures on light poles shall not exceed a maximum height of forty (40) feet as measured from the ground level or the surface on which the light pole is mounted to the bottom of the lighting fixture. Light poles mounted on the top of parking decks or parking structures shall not exceed a maximum height of twenty (20) feet as measured from the top of the pole to the surface on which the pole is mounted. Light poles shall be located in accordance with the following:
 - A. On lots developed with single family dwellings:
 - (1) Light poles that are no greater than seven (7) feet in height may be located in any yard;
 - (2) Light poles that exceed seven (7) feet in height shall be subject to the location regulations of Paragraphs 12C, 12D, 12E and 12F above.
 - B. On all other lots:
 - (1) Light poles that do not exceed seven (7) feet in height may be located in any yard;

- (2) Light poles greater than seven (7) feet in height shall be subject to the minimum yard requirements, with the exception of angle of bulk plane, of the zoning district in which located.

The above locational provisions shall not be applicable to parking lot light poles, which may be located in any yard. All light poles, to include parking lot light poles, shall be subject to the provisions of Part 9 of Article 14.